



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,136	08/22/2000	Ioana M. Danciu	07844-423001/P387	9363

21876 7590 11/07/2002

FISH & RICHARDSON P.C.
500 ARGUELLO STREET
SUITE 500
REDWOOD CITY, CA 94063

EXAMINER

HARRISON, CHANTE E

ART UNIT PAPER NUMBER

2672

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

94

Office Action Summary

Application No.

09/644,136

Applicant(s)

DANCIU, IOANA M.

Examiner

Chante Harrison

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-10, 12-14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Takatoshi Ohta, U.S. Patent 6,108,008, 8/2000.

As per independent claim 1, Ohta discloses receiving a source image (col. 3, ll. 35-55), receiving a plurality of rendering intents defining source to destination color mappings (col. 4, ll. 15-64), simultaneously previewing a plurality of rendered images corresponding to a rendering intent (Fig.7 '73'), selecting a rendering intent by receiving user selection of a rendered image (col. 9, ll. 20-36).

As per dependent claim 2, Ohta discloses received color image is an entire color image (col. 3, ll. 35-50).

As per dependent claim 3, Ohta discloses received color image is a portion of an entire color image (col. 3, ll. 35-50).

As per dependent claim 4, Ohta discloses rendering intents comprises all known rendering intents (col. 4, ll. 15-64).

As per dependent claim 5, Ohta discloses rendering intents comprises a subset of all known rendering intents (col. 9, ll. 20-35).

As per dependent claims 6 and 10, Ohta discloses previewing comprised simultaneously displaying rendered images on a monitor (col. 9, ll. 1-10).

As per dependent claim 7, Ohta discloses printing images on a single sheet of paper (col. 8, ll. 47-53).

As per independent claim 8, Ohta discloses a program (col. 10, ll. 19-21) for implementing the method of claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

As per independent claim 9, Ohta discloses generating a plurality of rendered images by rendering the received image according to a corresponding rendering intent (col. 7-8, ll. 64-5) and simultaneously previewing a plurality of difference images (col. 9, ll. 15-21). The rationale applied in the rejection of claim 1 applies herein as claim 9 claims features claimed in the method claim 1.

As per dependent claim 11, Ohta discloses simultaneously printing the plurality of images on a single sheet of paper (Fig. 2 '11').

As per dependent claim 12, Ohta discloses the reference image is another rendered image (col. 9, ll. 20-36).

As per dependent claim 13, Ohta discloses the reference image is the source image (col. 3, ll. 35-50; col. 8, ll. 35-47).

As per dependent claim 14, Ohta discloses the difference image is obtained by subtracting the reference image from the rendered image (col. 8, ll. 35-47; col. 9, ll. 15-21).

As per independent claim 18, Ohta discloses simultaneously previewing a plurality of difference images (col. 9, ll. 15-21). Ohta discloses a program (col. 10, ll. 19-

21) for implementing the method of claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

Claim Rejections - 35 USC § 103

2. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta as applied to claim 9 above, and further in view of Michael Magee, U.S. Patent 5,231,504, 7/1993.

As per dependent claim 15, Ohta discloses calculating the least squares difference between a rendered image and the reference image, which is disclosed by Magee (col. 2-3, ll. 62-15). It would have been obvious to one of skill in the art to include a calculation of the least squares difference in the disclosure of Ohta because he teaches providing a look up table to obtain tonal characteristics, which is used to store least square calculations to generate the closest relative output color from a different gamut.

As per dependent claim 16, Ohta fails to disclose representing the differences between a rendered image and the reference images as a topographical map, which is disclosed by Magee (col. 16, ll. 15-40). It would have been obvious to one of skill in the art to include a topographical map in the disclosure of Ohta because he teaches

Art Unit: 2672

determining the closest matching color set which is applicable to features in maps and best used for color differentiation.

As per dependent claim 17, Ohta discloses the topographical map has a color basis, which is disclosed by Magee (col. 16, ll. 15-40). It would have been obvious to one of skill in the art to include a topographical map in the disclosure of Ohta because he teaches determining the closest matching color set which is applicable to features in maps and best used for color differentiation.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chante Harrison whose telephone number is (703) 305-3937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ceh

October 30, 2002



**MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**